

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RODNEY WILLIAMSON,

Plaintiff,

Case No. 13-cv-11066

v

Honorable Thomas L. Ludington
Magistrate Judge Mark A. Randon

RANDALL HAAS, et al.,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING IN PART AND
HOLDING IN ABEYANCE PLAINTIFF'S MOTION FOR EMERGENCY
PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER**

On October 3, 2013, Plaintiff Rodney Williamson filed a motion for emergency preliminary injunction. Williamson sought an injunction requiring Defendants to provide him with a therapeutic diabetic diet, medical shoes, an eye examination, and educational programs regarding diabetes management.

On February 12, 2014, Magistrate Judge Mark A. Randon issued a report recommending that Williamson's request for an injunction be denied with respect to his request for a diabetic diet, medical shoes, and an eye examination. Rep.& Rec. 4, ECF No. 50. Judge Randon determined that Williamson could not show a strong likelihood of success on the merits regarding his request for a diabetic diet because Williamson's claim that Defendants were deliberately indifferent to his serious medical needs had previously been dismissed. *Id.* at 2. In addition, Judge Randon found that Williamson's request for medical shoes and an eye examination "are unrelated to the claims raised in Williamson's Complaint, and therefore, Williamson cannot show a strong likelihood of success on the merits." *Id.* at 3.

Regarding Williamson's request for educational programs about diabetes management, Judge Randon noted that Defendants did not address this request in their response. *Id.* Accordingly, Judge Randon recommended holding Williamson's request for education programs in abeyance until Defendants had a chance to respond. *Id.* at 4.

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 50) is **ADOPTED**.

It is further **ORDERED** that Plaintiff's Motion for Emergency Preliminary Injunction and Temporary Restraining Order (ECF No. 23) is **DENIED IN PART AND HELD IN ABEYANCE IN PART**. Plaintiff's requests for a therapeutic diabetic diet, medical shoes, and eye examinations are **DENIED**. Plaintiff's request for enrollment in educational programs is **HELD IN ABEYANCE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: March 11, 2014

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and upon Rodney Williamson #186967 at Chippewa Correctional Facility, Central Complex, 4269 W. M-80, Kincheloe, MI 49784 by first class U.S. mail on March 11, 2014

s/Tracy A. Jacobs
TRACY A. JACOBS